UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/CN.10/183
17 March 1994

ORIGINAL: ENGLISH

DISARMAMENT COMMISSION

NOTE BY THE SECRETARY-GENERAL

1. In its resolution 48/77 A of 16 December 1993, the General Assembly took note of the annual report of the Disarmament Commission 1/ and requested the Secretary-General to transmit to the Commission the annual report of the Conference on Disarmament, 2/ together with all the official records of the Assembly at its forty-eighth session relating to disarmament matters.

2. Pursuant to that request, the relevant documentation is listed below:

(a) Report of the Conference on Disarmament on its 1993 session; 2/

(b) Verbatim records of the plenary meetings of the General Assembly at its forty-eighth session regarding the general debate on and consideration of disarmament matters (A/48/PV.4-29 and 81);

(c) Summary records of the First Committee meetings at the forty-eighth session of the Assembly regarding disarmament matters (A/C.1/48/SR.3-31);

(d) Reports of the First Committee to the General Assembly at its forty-eighth session on the consideration of the disarmament items on the agenda (A/48/662-680, 683, 686 and 687), containing also lists of documents submitted in connection with those items.

3. All of the above documentation has already been circulated.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 42 (A/48/42).

2/ Ibid., Supplement No. 27 (A/48/27).

94-13579 (E) 180394 23 03 94

UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/CN.10/184
22 March 1994
ENGLISH
ORIGINAL: SPANISH

DISARMAMENT COMMISSION
1994 substantive session
New York, 18 April-9 May 1994
Agenda item 6

INTERNATIONAL ARMS TRANSFERS, WITH PARTICULAR REFERENCE TO RESOLUTION 46/36 H OF 6 DECEMBER 1991

Letter dated 21 March 1994 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary of the Disarmament Commission

I am transmitting herewith a working paper prepared by the Colombian delegation as a contribution to the Working Group on the question of International Arms Transfers, which will meet from 18 April 1994, for circulation as a document of the Disarmament Commission.

(Signed) Luis FERNANDO JARAMILLO
Ambassador
Permanent Representative

Annex

GUIDELINES FOR THE CONTROL OF INTERNATIONAL ARMS TRANSFERS AIMED AT ERADICATING THE ILLICIT ARMS TRADE

Working paper submitted by Colombia

I. INTRODUCTION

1. The illicit arms trade is often held responsible for endangering peace and security, supplying instruments of war for the purpose of destabilizing legitimately constituted governments; fomenting violence and criminal activities; and promoting terrorism, drug trafficking, common crime, mercenary activities and violations of human rights.

2. The impact of the illicit arms trade on the peace and security of many nations has been a matter of concern for the international community. Fundamental issues involving the tranquillity and welfare of peoples and the potential for attaining peace are at stake.

II. DEFINITION

3. For the purposes of the work of the Disarmament Commission, the following definition of "illicit arms trade" provided in chapter VIII of the report of the Secretary-General is to be used:

> "... the illicit arms trade is understood to cover that international trade in conventional arms which is contrary to the laws of States and/or international law ... Under international law, arms trade can be circumscribed, inter alia, by the prohibition of interference in the internal affairs of a State, by international treaties, or by binding decisions adopted by the Security Council under Chapter VII of the Charter of the United Nations."

Similarly, for the purposes of the Commission's work, the term "illicit arms trade" is identified with the so-called "black market", defined as that which evades the control of national or international authorities.

4. Since national legislation varies from country to country, in practice the borderline between licit and illicit arms transfers may not always be apparent. Similarly, the legal norms relating to arms transfers may be vague or circumscribed by policies which vary from country to country.

III. FACTORS WHICH AFFECT THE ILLICIT ARMS TRADE

5. With regard to the phenomenon of the illicit arms trade, we know more about its adverse consequences than about the ever-changing ways in which it operates. We can, however, indicate some of the factors which affect the illicit arms trade with a view to the formulation of recommendations for its eradication:

(a) The absence of national legislation and controls aimed at countering the illicit arms trade favours a market in which potential belligerents or non-State actors have access to a variety of types of weapons, including the most technologically advanced;

(b) Legal, political and technical differences in internal controls of arms transfers contribute to the growing clandestine market. The possibility of procuring weapons in one country freely or with few legal and administrative restrictions and subsequently importing them clandestinely into another country where their sale is prohibited or controlled is the first step toward the emergence of a typical illicit arms market;

(c) The high profit margin which can be achieved because of the ease with which weapons can be bought cheaply on the domestic market and later sold at a high price on the international black market is the chief element that attracts a large number of arms traffickers, especially when there is a considerable supply of the merchandise in question at the source and a significant demand at its destination;

(d) The illicit arms trade makes available a supply of a variety of categories of weapons designed for the exclusive use of the military forces to which the ordinary citizen would have no legal access;

(e) The illicit arms trade permits the acquisition of arms by individuals who do not meet the legal requirements to purchase or carry them, and by individuals who are outside the law;

(f) Quite apart from their illegality, clandestine, secret, or covert arms transfers arouse suspicions and breed distrust and consequently have an adverse effect on peace and security;

(g) The illicit arms market leads to the proliferation of weapons, in that it forces States to purchase arms to counter its effects.

6. Accordingly, the harmonization of legislation and administrative procedures so as to permit the application in all countries, of uniform standards of internal arms control, regulating the export and import of arms, is essential to the prevention of the illicit arms trade.

IV. UNITED NATIONS BACKGROUND

A. Resolution 43/75 I

7. In resolution 43/75 I of 1988, entitled "International arms transfers", the General Assembly expressed its conviction that arms transfers in all their aspects deserved serious consideration by the international community, inter alia, because of increasing illicit and covert arms trafficking.

8. The resolution requested Member States to consider reinforcing their national systems of control and vigilance concerning production and transport of arms.

B. Report of the Secretary-General 1/

9. Section VIII of the Secretary-General's report on ways and means of promoting transparency in international transfers of conventional arms, prepared at the request of the General Assembly in resolution 43/75 I, represents an initial review of some aspects of the illicit arms trade, and, among other recommendations, urges States to give high priority to eradicating that trade and to take the following actions towards that end:

(a) Ensure that they have an adequate body of national laws and/or regulations and administrative procedures to ensure effective control of their armaments and of exports and imports of arms with a view to preventing them from getting into the hands of parties engaged in illicit arms trade;

(b) Endeavour to ensure effective control of borders with a view to preventing illicit arms trade;

(c) Maintain an effective system of export and import licences, and delivery and end-use/end-user certificates or equivalent mechanisms;

(d) Provide for adequate numbers of customs officials appropriately trained to enforce the necessary controls over the export and import of arms;

(e) Cooperate with other States at the bilateral and multilateral levels to provide customs information on trafficking in and detection of illicit arms, and coordinate intelligence efforts as and when possible and necessary;

(f) Intensify their efforts against corruption and bribery.

C. Resolution 46/36 H

10. Resolution 46/36 H, which was adopted unanimously by the General Assembly at its forty-sixth session, welcomed the recommendations in the report of the Secretary-General and once of again called upon States to give high priority to eradicating the illicit trade in weapons and military equipment, and to take action as recommended in the report.

11. The resolution stressed the need for cooperation between States on the international, regional and subregional levels to harmonize laws and relevant administrative procedures, as well as measures to enforce them. To that end, it requested States to provide the Secretary-General with relevant information on their national legislation and/or regulations on arms exports, imports and procurement, and administrative procedures, as regards both authorization of arms transfers and prevention of the illicit arms trade.

12. The resolution also called upon States to provide the Secretary-General, in accordance with national judicial procedures, with information regarding arms and military equipment, seized by authorities, destined for the use of terrorists, drug traffickers and organized crime and for mercenary and other destabilizing activities. This information should shed light on the phenomenon of the illicit arms trade and provide a broader analytical base for its study.

13. Under paragraph 8 of the resolution, the United Nations was given the responsibility for assisting in the holding of meetings and seminars at the national, regional and international levels, for promoting efforts to eradicate the illicit traffic in arms, and for providing advisory assistance to Member States, when so requested, on the recommended measures for enforcement of relevant rules and administrative procedures, including the training of customs and other officials, so that States could coordinate their efforts and thereby benefit on a continuing basis from the knowledge and experience of other States.

D. Report of the Secretary-General entitled "New dimensions of arms regulation and disarmament in the post-cold-war era" 2/

14. In this report, the Secretary-General recommends that States should take a closer look at international private "arms dealers" and states that in the present situation it is both possible and necessary to impose stricter regulations on such activities.

V. CONTROLS AT THE WORLD LEVEL

15. No country can, by itself, eradicate the problem of the illicit arms trade or effectively control its own armaments without regard for the impact of the growing supply of arms on the black market and the internal and external factors which determine demand. The cooperation of the international community, represented by the United Nations, is therefore necessary if solutions are to be found. A strategy must accordingly be developed jointly by the diplomatic, military and police authorities of all States to neutralize the factors which promote the illicit arms trade.

16. Prevention is an essential factor in the strategy for the eradication of the illicit arms trade. Specific measures designed to achieve that end must therefore be devised and implemented. From this standpoint two priority lines of action must be promoted: (a) national measures to ensure effective control of the transfer, possession and carrying of arms, and (b) measures of cooperation and coordination at the bilateral and multilateral levels which would help to reduce the opportunities for illegal arms transfers.

17. These measures would include the harmonization of legislation, including the elaboration of joint control machinery; the coordination of activities relating to the seizure of illicit arms; the exchange of information; methods, means and levels of communication; joint operations in border areas, including the installation in such areas of customs units specially trained for the purpose; the training and instruction of specialized personnel; the establishment in each country of modern systems for the registration of arms which have been seized and of offences and offenders; and programmes to strengthen the ties of brotherhood and solidarity between the police forces of neighbouring countries.

18. Where peacemaking processes have been completed or arms reduction agreements have been concluded, there is a large surplus of arms available. In

such circumstances, the States involved must exercise greater control over the arms to prevent them being placed on the black market.

19. The large number of arms manufacturers and dealers at the world level and the diversity of their products detract from the effectiveness of the unilateral control measures applied by many States. Those countries in which there are the largest number of arms manufacturers and dealers must take extreme measures to ensure effective control over them in order to ensure the effectiveness of measures for the prevention of the illicit arms trade.

20. At the world level, a computerized system should be established to record those arms which have disappeared or been stolen so that if any attempt is made to register or sell them the system would immediately identify them and the persons involved could be tracked down and penalized and a more serious criminal act could perhaps be prevented.

21. The levels of communication with regard to the illicit arms trade should be expanded to include exchanges of information which would permit institutions engaged in the control, tracking and seizure of arms in all countries to make a full-scale effort to:

(a) Coordinate action regarding the seizure of arms, explosives and munitions; the machinery for the prevention of drug trafficking could also be used for this purpose;

(b) Optimize the results and minimize the efforts of States to achieve effective arms control and profit from the successful experience of some States in this field and apply it to international control measures;

(c) Track down offending organizations engaged in the arms trade and identify the person responsible and the end-user of a weapon or explosive with which criminal acts have been committed;

(d) Identify the original manufacturer and trace the history of arms seized by the authorities and verify the physical elements of the arms (serial number, make and calibre);

(e) Increase knowledge of the arms, munitions and explosives used in the illicit arms trade and the criminal ways in which they have been used.

VI. INTERNAL CONTROL

22. States generally permit individuals to acquire arms for self-defence, within the limits of certain legal and technical restrictions. The State must then provide mechanisms to ensure that those arms will be used in an appropriate manner, without detriment to social harmony and national, regional or international security.

23. The basic objective of internal arms control legislation is to contribute to the security of the citizens of the country, protecting them from the

violence and crime which follows in the wake of the illegal possession and carrying of arms or the criminal use of arms acquired legally.

24. Internal arms control legislation should constitute an effective and practical tool to curb the illegal possession and carrying of arms, arms smuggling and the use of arms in criminal activities.

25. The State should exercise absolute control over the manufacture of arms, the arms trade, and the possession and use of arms, in order to prevent illicit trafficking. The legal context should therefore consider restrictions and controls on arms which individuals are permitted to hold, as well as controls on arms for the private use of the military and police forces.

26. The State should define which arms are permitted by law for civilian use and which may be used or possessed by the military and police forces, on the basis of the calibre of the arms, their system of operation and, mainly, their end-use.

27. The arms permitted for civilian use, whether imported or of domestic manufacture, should be subject to controls at all points in the chain, from production and/or acquisition up to the time they are sold to an individual. From then on they should remain subject to monitoring and control by an administrative entity authorized to carry out those functions and to prevent the arms being used in criminal activities or being exported illegally to other nations.

28. (a) Internal control problems. In general, the problems of an internal nature relating to arms control may be summed up as follows:

(i) Black market: illicit entry or exit of arms - smuggling by air, sea or land;

(ii) Illicit internal arms trafficking: sale of arms to persons not authorized to possess or carry arms;

(iii) Home-made weapons: circulation of home-produced weapons;

(iv) Misplacement, loss and theft of arms held by civilians or the police;

(v) Lack of adequate national and international means of control on the part of the authorities.

(b) State control of arms in the hands of civilians suggests the need to adopt the following measures:

(i) Ensuring the control and monitoring of arms allowed to civilians by means of a computerized national register listing all persons holding a permit to own or carry arms, as well as all relevant information on the individual, the arm permitted and the use the individual intends to make of it;

(ii) Making a distinction between authorization to own and to carry arms. Each should be governed by a regime of specific restrictions and control;

(iii) Periodic renewal of permits to carry or own arms, for the purpose of verifying the physical and mental capacity of the user to handle the arm;

(iv) Promotion of awareness among the population that the arms they own for their personal defence are a means of security, and not of increasing the level of violence.

(c) Control of arms for the personal use of the armed forces: The State must hold a monopoly of and exercise absolute control over arms for the personal use of the military forces and the police - over their production, purchase, export and import. Their possession and use must be solely in exercise of the legitimate right of every State to defend the nation, and in fulfilment of the obligation to respect the international rules of peaceful coexistence.

(d) Control of arms transfers:

(i) The rule which should govern transfers of arms and military equipment is that they should not give rise to social disturbances in any State, nor should they cause, lead to the escalation of or prolong conflicts between States;

(ii) Arms should be exported or imported only after careful evaluation of the political situation both within and outside the area in question. The evaluation should cover the impact of the transfer of any type of arms, including small-calibre arms, on the political, social and economic situation of the countries concerned. Economic profit cannot be a valid reason for selling or purchasing arms;

(iii) Likewise, account should be taken of transfers of military equipment, components and parts for the production and assembly of arms, as well as of technology, services and equipment modified for military use;

(iv) States should exercise the necessary administrative controls to prevent the export of arms and military equipment whose end-use or end-user does not have the explicit and verified authorization of the governmental authorities of the recipient country. Likewise, the receiving State must ensure that imported arms are covered by a certified licence of the authorities in the providing State. In both cases, the involvement of agents or intermediaries over whom the authorities cannot exercise absolute control should be avoided;

(v) The receiving State involved in an arms transfer must undertake not to re-export them or allow them to enter the black market.

VII. CONTROL OF EXPLOSIVES

29. States must exercise effective control over the trade in and transport, security and use of explosives - increasingly used for the commission of crimes by terrorists - in order to:

(a) Optimize or adjust the legislation on dual-purpose explosives to avoid their improper use in criminal activities and their illicit transfer;

(b) Eliminate intermediaries in the explosives trade so that factories sell to users only through the body authorized by the State;

(c) Authorize the purchase of explosives at intervals in accordance with the real needs of each user, thus preventing surplus stocks of explosives and associated items which will attract the interest of criminals;

(d) Establish a sales register requiring manufacturers of and traders in explosives and associated items to describe their use, in such a way that the user can convincingly demonstrate the consumption of explosives and the balance remaining to authorized national inspectors;

(e) Control the transport of explosives and associated items under proper police protection in order to avoid them being stolen in transit.

VIII. COORDINATION OF INTELLIGENCE

30. States must consider and apply at the national level the recommendations that emanated from the International Symposium on Firearms and Explosives held at Lyons, France, in September 1992 under the auspices of Interpol. These recommendations, elaborated on by a regional meeting for Latin America on the traffic in cocaine and firearms, could well provide the foundations for coordination of intelligence in this field on a world-wide scale:

(a) It is recommended that member countries should control sales by authorized manufacturers and distributers of arms, munitions and explosives, so that the destination of these items can be more easily verified;

(b) (i) It is recommended that each country in which firearms are manufactured should establish a national tracing office so as to enable the police to trace arms from the point of manufacture up until their authorized sale. The necessary arrangements should also be made so that when a company manufacturing firearms ceases to operate for any reason, it sends its records to the tracing offices;

(ii) Member countries are encouraged to request the assistance of Interpol in determining the country of manufacture and tracing the history of firearms seized by the authorities. Interpol's General Crime Group stores the information on firearms manufacturers contained in the Interpol Arms Trafficking in Arms system (ITAR);

(c) It is recommended that Interpol member countries should make due use of ITAR. This would provide the best means of collaboration through Interpol in combating international terrorism, organized crime and other forms of violent crime involving the use of firearms and explosives;

(d) Member countries are urged to designate a body responsible for scrupulously communicating to Interpol all weapons- and explosives-related incidents for distribution to all member countries. This reporting should be accomplished using the Interpol Weapons and Explosives Incident form;

(e) With reference to explosives incidents, Interpol recommends to member countries that they designate an official to liaise with Interpol by receiving and sending on request, for retransmission to the other member countries using Interpol dissemination mechanisms for the purpose, relevant information regarding all known cases of the concealment of explosives or their illegal transport, as well as on cases of seizure of any improvised explosive device, in respect of which Interpol should be provided with detailed information on the shape, method of concealment, and ignition system, and a diagram of the device, and if the latter has been detonated, whatever information is obtained from the investigation of the bombing should be transmitted to it.

Notes

1/ A/46/301.

2/ A/C.1/47/7.

UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/CN.10/185
20 April 1994

ORIGINAL: ENGLISH

DISARMAMENT COMMISSION
1994 substantive session
New York, 18 April-9 May 1994
Agenda item 4

PROCESS OF NUCLEAR DISARMAMENT IN THE FRAMEWORK OF INTERNATIONAL PEACE AND SECURITY, WITH THE OBJECTIVE OF THE ELIMINATION OF NUCLEAR WEAPONS

Working paper prepared by the Chairman of Working Group I*

I. GENERAL OVERVIEW

A. Relationship between the process of nuclear disarmament and international peace and security

1. In recent years, the international situation has undergone tremendous changes and is now at a major turning-point. A new political world structure is being created. The discontinuation of the global ideological rivalry provides conditions for scaling down the armaments in the world. The progress recorded in the prohibition of the development, production and use of chemical as well as biological (bacteriological) weapons makes it even more compelling to register similar achievements in the field of nuclear weapons, the only means of mass destruction not yet completely banned by international agreements.

2. The conviction that nuclear war cannot be won and must never be fought received widespread acceptance. Hence notable progress has been made in the field of nuclear disarmament especially as a result of the disappearance of the confrontation between the United States of America and the Union of Soviet Socialist Republics.

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* The present working paper was distributed in English only on 18 September 1993.

3. The maintenance and enhancement of international security require all States to contribute to arms limitation and disarmament measures as well as to show responsible behaviour in international affairs.

4. The responsible conduct of international affairs by States aimed at the maintenance of international and national security requires more than just refraining from aggression. States should demonstrate respect for international peace and security by engaging in appropriate measures of arms control, arms reduction and confidence-building and should respect their international commitments as to the agreed measures of nuclear disarmament.

5. In this new political environment it is important that the leadership of all countries assume their responsibility for seeking the objective of increased international security at the lowest possible level of armaments and military forces. The States having the biggest nuclear arsenals can make the greatest contribution to nuclear disarmament.

6. For the achievement of such an objective, nuclear disarmament remains one of the highest priorities in the field of arms control and disarmament.

7. The ultimate goal in this context is the complete elimination of nuclear weapons as was stated at the tenth special session of the General Assembly.

B. Review and assessment of recent developments in the process of nuclear disarmament

8. In recent years, the situation in the field of nuclear disarmament has considerable improved, some tangible results have been achieved in the endeavour for nuclear disarmament between the United States and the former Soviet Union, as follows:

(a) The satisfactory implementation of the INF Treaty, which was accomplished in 1991 for the elimination of a whole class of nuclear weapons, is an important factor for increased stability and international security;

(b) Significant progress was made in 1991 in another area of nuclear disarmament, notably the START Treaty and the subsequent initiatives of both sides and the 1992 agreement on drastic reduction of a total of two thirds of strategic nuclear weapons by the year 2003;

(c) As generally recognized, the unilateral decisions by the United States and the former Soviet Union to eliminate all land-based short-range nuclear weapons constitute a further important step towards nuclear disarmament.

9. In this context, it is noted that the two nuclear Powers that are members of the European Community have also made meaningful contributions to the process of nuclear disarmament by making reductions in some of their nuclear-weapon programmes. Equally important are:

(a) The moratoriums declared by some nuclear-weapon States on nuclear testing;

(b) The declaration and undertaking by former Soviet republics to become non-nuclear;

(c) Bilateral negotiations and their continuation enjoy universal support. At the same time the international community endorses the stated commitment by all nuclear-weapon States to halt and reverse the nuclear-arms race leading to the complete elimination of nuclear weapons.

10. Equally important are the decisions of China and France to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons; the adherence of South Africa as well as of other southern African States to the Non-Proliferation Treaty.

11. Since the elimination of nuclear weapons is a matter of priority for the entire international community, there is a need to build on current achievements and to turn them into a platform for more ambitious nuclear disarmament measures.

12. Recent initiatives in the denuclearization of Africa, in particular the accession of South Africa to the Non-Proliferation Treaty and the safeguards agreement negotiated with the International Atomic Energy Agency (IAEA) are especially welcome occurrences, including the Declaration on the Denuclearization of Africa, adopted by the Council of Ministers of the Organization of African Unity (OAU) at its fifty-fourth ordinary session held in May-June 1991.

13. The positive initiatives have taken place in Latin America, such as the Mendoza Declaration; the Cartagena Declaration; commitments entered into by Brazil and Argentina establishing full-scope safeguards regimes with IAEA; and the announcement by France of its decision to ratify Additional Protocol I to the Tlatelolco Treaty. All these occurrences are welcome and strongly supported by the international community.

II. MECHANISM FOR NUCLEAR DISARMAMENT

14. The negotiation of international agreements in conformity with the ultimate goal of the complete elimination of nuclear weapons will require all forms of mechanisms for nuclear disarmament to increase their effectiveness.

15. Accordingly, bilateral and multilateral efforts for nuclear disarmament should complement and facilitate each other.

16. The Conference on Disarmament as a single multilateral disarmament negotiating forum should begin the elaboration of practical measures for nuclear disarmament. This would require streamlining the functioning of the Conference on Disarmament and improved system of reports, the establishment of the necessary subsidiary bodies in order to ensure that negotiations are held on the appropriate subjects and an adequate verification process for nuclear disarmament is created, taking account of the characteristics and complexities of the types of nuclear weapons.

17. Since it is incumbent on all States to seek ways of reducing the likelihood of scenarios of conventional confrontation escalating into the use of nuclear weapons, it seems that the international community should give serious thought to the possibility of establishing multilateral nuclear warning and crisis control centres. This would offer effective means of prevention, so as to establish conditions of predictability and stability.

18. In parallel with the global approach to nuclear disarmament, regional arrangements, namely the establishment of nuclear-weapon-free zones, deserve serious consideration. The establishment of such nuclear-weapon-free zones as a partial measure, which is useful as a confidence-building measure, can be facilitated when the following conditions are met:

(a) Such zones are defined by the States of the region and the characteristics of the region are fully taken into account;

(b) They are based on arrangements freely arrived at between them on the basis of their own initiatives;

(c) Prior consultations are held as a necessary prerequisite among the States of the region for the establishment of such zones;

(d) The effective respect for the status of such zones by nuclear-weapon States is subject to agreed verification procedures, thus ensuring that the zones are genuinely free of nuclear weapons.

19. Greater attention should be devoted to transparency and confidence-building measures in the field of nuclear weapons. The international community must take effective measures to ensure that all nuclear programmes are transparent. Moreover, transparency should also be achieved in the transfer of technology and material usable in the production or development of nuclear weapons.

III. THE ROLE OF THE UNITED NATIONS SYSTEM IN THE PROCESS OF NUCLEAR DISARMAMENT

20. The process of nuclear disarmament was well documented in the report submitted by the Secretary-General in 1992 entitled "Comprehensive study on nuclear weapons". The Secretary-General's study notes that, since the dawn of the nuclear age almost half a century ago, efforts have been made in the world community to deal with the various implications of the existence of nuclear weapons.

21. The United Nations should continue to play the basic role in the process of disarmament negotiations with regard to both conventional and nuclear disarmament. This does not preclude the possibility that, simultaneously with this multilateral negotiation process, other processes may be developed that would be of a regional, bilateral or even a unilateral nature and would aim to bring about the destruction or reduction of various types of weapons.

22. In general, the United Nations should encourage and facilitate:

(a) The development of general guidelines and basic principles of arms control and disarmament;

(b) Consideration of ways and means of achieving the international community's objectives in nuclear disarmament;

(c) The negotiation, where appropriate, of international instruments in the field of nuclear disarmament.

23. Full use must be made of the existing mechanism, including within the United Nations system. For a considerable time, nuclear disarmament has been one of the priority topics of the United Nations Disarmament Commission. The need for progress in this field requires proper attention to be paid to such issues, which deserve continued consideration in the Disarmament Commission.

24. Studies conducted by the United Nations are very useful and instrumental to the more advanced consideration of various aspects of disarmament and to the achievement of a greater general awareness of the subject. In this connection, the conclusions and recommendations on the role of the United Nations in the field of verification and on nuclear weapons, as contained in documents approved by consensus, should be commended.

IV. PRINCIPLES AND RECOMMENDATIONS, CONDITIONS AND MEASURES REQUIRED FOR STRENGTHENING THE PROCESS OF NUCLEAR DISARMAMENT

25. Nuclear proliferation is one of the greatest threats to world-wide security and stability. The existence of large arsenals of nuclear weapons affects the security of all States. Thus, nuclear disarmament and the questions of non-proliferation of nuclear arms represent one of the most serious challenges, requiring continuous attention and commitment of all States Members of the United Nations. Strengthening the Non-Proliferation Treaty and the IAEA Safeguards System constitute the cornerstone of the global nuclear non-proliferation regime.

26. The accession of more States to the Non-Proliferation Treaty was welcomed by the international community. With the accessions of China and France, all the permanent members of the Security Council will have underwritten the Non-Proliferation Treaty, thus further strengthening the Treaty's universality. All States that have not yet done so are urged to adhere to the Non-Proliferation Treaty.

27. In parallel with wider adherence to the Non-Proliferation Treaty, a better functioning of the present nuclear non-proliferation regime can be brought about. Thus, in view of recent events, a reinforcement of the various elements of that regime and, in particular, a further strengthening and improvement of safeguards implementation, as well as of nuclear export controls, are foreseeable. In this regard, it should be recalled that the European Community and its member States have already proposed a set of concrete measures to this

end at the General Conference of IAEA. Some progress was made at the recent IAEA Board of Governors meeting towards strengthening the Agency's Safeguards System. The efforts of the Director General in this regard should be supported by all States.

28. The substantial reduction in sub-strategic nuclear weapons, as a result of unilateral initiatives, has created the basis for the complete elimination of these systems. As an intermediate objective, this would have certain advantages. It would reduce the risk of conventional war escalating into a nuclear conflict. It would lessen the risks of accidental or deliberate interference by nuclear weapons. Confining nuclear weapons to strategic systems would truly make them the weapons of last resort and so provide greater assurance that they would never be used.

29. A comprehensive ban on nuclear-testing is essential to prevent the horizontal and vertical proliferation of nuclear weapons. There is now a growing recognition of the need for restraint in the development of new and more powerful nuclear weapons. There is also increasing realization that a cessation on nuclear-weapons testing would contribute to non-proliferation, as well as environmental objectives. There have been a number of significant developments in recent years in this area:

(a) The decrease in the total number of nuclear explosions and in their yield;

(b) The ratification of the protocols of the Threshold Test Ban and the Peaceful Nuclear Explosions Treaty, signed by United States and the Soviet Union in June 1990;

(c) The decision by the then Soviet Union to apply a one-year moratorium on nuclear testing and its extension;

(d) The decision by France to suspend its nuclear testing for 1992 and its recent extension;

(e) The decision of the United States to observe a moratorium of nuclear testing and its extension to 1995 and its commitment to the negotiation of a comprehensive test-ban treaty;

(f) The decision of the Conference on Disarmament on 10 August 1993 to negotiate a comprehensive test-ban treaty.

30. All these unilateral, bilateral and multilateral measures must be crowned by a comprehensive nuclear-test-ban treaty. Undertaking reductions in the existing nuclear arsenals, without taking measures to protect future generations from another nuclear arms race, would determine the effectiveness of many of the steps taken so far. The conclusion of a comprehensive nuclear-test-ban treaty is the highest priority measure for the achievement of the objective of nuclear disarmament and is the single most important measure yet to be taken in the process of nuclear disarmament. Such a measure should lead to ending qualitative improvements of nuclear weapons and new developments of weapons of mass destruction, as well as preventing their proliferation.

31. The creation of nuclear-weapon-free zones will assist in strengthening of security and can contribute to stability in the regions concerned, to non-proliferation and to the disarmament process in general, provided all States concerned are prepared to cooperate on the basis of freely concluded agreements and in conformity with internationally agreed principles.

32. The international community has a duty to play its part in ensuring that the destruction of nuclear weapons takes place in a safe and responsible manner, which fully respects the requirements of nuclear safety and environmental protection. Already, a number of important efforts have been made to assist in the dismantling and disposal of nuclear weapons. Consideration should be given to what further role the international community, and in particular IAEA, can play in this regard in order to expedite the realization of measures of nuclear disarmament.

33. The notion that the nuclear war must not be fought needs to be formalized in a multilateral commitment. Confidence-building measures have proved their effectiveness as a basis for more substantive measures in the field of conventional disarmament, notably in the framework of the Conference on Security and Cooperation in Europe, confidence-building measures could also serve as a useful purpose in the nuclear arms field. Such measures should aim at reassuring non-nuclear-weapon States that nuclear weapons are intended for purely defensive purposes and that nuclear arsenals are safe and under effective control.

34. In order to enhance non-proliferation, aspiring nuclear weapons States should be persuaded that their security interests could be adequately ensured by other means.

35. The only truly effective security assurance against the use or threat of use of nuclear weapons is their total elimination. However, for the realization of this goal it is indispensable that security assurances be given to those States that, through contractual agreements, relinquished the nuclear-weapon option; especially those among them that are not members of a strategic military alliance providing a nuclear-weapon umbrella. Unilateral declarations by nuclear-weapon States, welcome as they are, should be strengthened through a new Security Council resolution which, inter alia, could provide for a clear indication of the mandatory action to be adopted by the nuclear-weapon States and the Security Council to redress a situation where a non-nuclear-weapon State party to the Non-Proliferation Treaty is the object of a nuclear attack or threat of attack, the obligation to pay reparation or compensation to the victim; the obligation of States to provide immediate assistance to the victim; and the imposition of sanctions against any State, party or non-party to the Non-Proliferation Treaty, that uses or threatens to use nuclear weapons against a non-nuclear-weapon State party to the Treaty (which does not place nuclear weapons on its territories). Moreover, in addition to these positive measures of security assurances to the non-nuclear-weapon States, appropriate international arrangements, preferably a binding legal instrument, should be provided to assure non-use or threat of use of nuclear weapons against non-nuclear weapon States as a measure of negative security assurance. Effective measures and arrangements to assure the non-nuclear-weapon-States

against the use or threat of use of nuclear weapons can also contribute positively to the prevention of the spread of nuclear weapons.

36. For the ultimate goal of elimination of nuclear weapons, the process of nuclear disarmament should be carried out in such a way that the security of all States is guaranteed at progressively lower levels of nuclear armaments, taking into account the relative qualitative and quantitative importance of the existing arsenals of the nuclear-weapon States and other States concerned.